

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

WILFREDO DE JESUS RIVERA
SONIA M. HERNANDEZ MELENDEZ

DEBTORS

WILFREDO DE JESUS RIVERA
SONIA M. HERNANDEZ MELENDEZ

PLAINTIFFS

VS.

GE CAPITAL CORPORATION OF PR

DEFENDANT

CASE NO. 00-00801 GAC

CHAPTER 13

ADV. PROC. NO. 04-00165

**DEFENDANT'S REPLY TO
PLAINTIFF'S SUR-REPLY FILED AT DOCKET NO. 68**

TO THE HONORABLE COURT:

COMES NOW, General Electric Capital Corporation of Puerto Rico (G.E.C.C.), represented by the undersigned attorneys and before this Honorable Court most respectfully state and pray:

1. Plaintiffs have filed document titled "Sur-Reply to Defendant's Request for Reconsideration of Decision and Order and Request for Additional Findings of Facts" (Sur-Reply). Docket No. 68.

2. In their Sur-Reply, Plaintiffs allege G.E.C.C.'s motion for reconsideration and request for additional findings of facts was not timely filed. G.E.C.C. hereby submits that its Request for reconsideration and for additional findings of facts was timely filed as the Decision and Order was entered on November 20, 2007 and as such, the ten day period for the request made by pursuant Federal Rule of Bankruptcy Procedure commenced from November 21, 2007 to December 6, 2007.

3. Contrary to Plaintiffs' assertion, November 23, 2007 was in fact a holiday observed by the Bankruptcy Court. See **Exhibit A**. As such, pursuant to the clear language of Rule 52 of the Federal Rules of Civil Procedure as made applicable to above captioned proceedings by Rule 7052 of the Federal Rules of Bankruptcy Procedure and of Rule 6(a) of the Federal Rules of Civil Procedure, November 23, 2007 was an official holiday observed by the Court and not included in the computation of the period of time granted by FRCP 52.

4. In view of the above mentioned and based on the facts of the case and testimony offered at trial by Plaintiffs', G.E.C.C. hereby incorporates and resubmits its request for reconsideration and for additional findings of facts filed at docket number 63.

5. Additional findings of facts in the present case is justified and the interest of justice so requires it as Plaintiffs offered testimony which clearly contradicted allegations set forth on the complaint. Allegations which were unfounded and their falsehood was evidenced at trial.

WHEREFORE, it is respectfully requested from this Honorable Court that it deny Plaintiffs' opposition and enter additional findings of fact and conclusions of law as requested and enter an order reconsidering its decision entered on November 20th, 2007 and deny Plaintiffs' special damages for economic loss in the amount of \$25,000.00.

RESPECTFULLY SUBMITTED. In San Juan. Puerto Rico this 6th day of March of 2008.

I HEREBY CERTIFY: That a true and exact copy of this motion was sent by mail to plaintiffs, Wilfredo de Jesus Rivera & Sonia M. Hernandez Melendez, PO Box 9196 Bayamon, P.R. 00960; attorney for plaintiffs, Roberto Pérez Obregón, PO Box 9497, Bayamon, PR 00960-8041.

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/s/NOEMI LANDRAU RIVERA
USDC 215510



EXHIBIT

A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO
José V. Toledo Post Office & Courthouse Federal Building
300 Recinto Sur St, Suite 109
San Juan, Puerto Rico 00901

Notice to the Bar and the Public

YEAR 2007 HOLIDAYS OBSERVED BY THE COURT

Date Observed	Holiday	Will Close
Monday, January 1	New Year's Day	All Day
Friday, January 5	Administrative	All Day
Monday, January 15	Birthday of Martin Luther King, Jr.	All Day
Monday, February 19	President's Day/ Washington's Birthday	All Day
Thursday, April 5	Holy Thursday	At Noon
Friday, April 6	Good Friday	All Day
Monday, May 28	Memorial Day	All Day
Wednesday, July 4	Independence Day	All Day
Wednesday, July 25	Constitution Day (PR)	All Day
Monday, September 3	Labor Day	All Day
Monday, October 8	Columbus Day	All Day
Monday, November 12	Veterans' Day	All Day
Monday, November 19	Discovery of Puerto Rico	All Day
Thursday, November 22	Thanksgiving Day	All Day
Friday, November 23	Administrative	All Day
Tuesday, December 25	Christmas Day	All Day

In San Juan, Puerto Rico, this 12th day of February, 2007.


CELESTINA MATTO-MENDEZ
CLERK OF COURT

07-05